



AgBrief

Weights & Measures

Making Sure You Get What You Pay For
March 2015



Every day, Marylanders pay for consumer products based on a weight or measurement, like a pound of meat or a gallon of gas. Every day, consumers buy items that are “rung up” through cash register scanners for what is presumed to be the same price as the one on the shelf. MDA Weights and Measures Section works to ensure that all the scales and meters and other devices used to calculate a price are accurate and operating correctly. This AgBrief will give interested parties an overview of what the section does and how it works.

By the Numbers

There are 61,079 weighing and measuring devices in commercial use at 7,063 locations in Maryland. Some of these devices are fuel pumps, cash register scales, grocery deli scales, cash register software, meters to measure home fuel oil deliveries, highway truck scales, even grain moisture meters, among others.

MDA has 18 inspectors across the state who are trained and certified to test and inspect these devices according to Maryland laws, regulations and established protocols to make sure they function within the required tolerances.

During FY 2014, MDA inspected 32,150 devices, tested 6,633 individual lots of pre-packaged commodities and imposed \$13,250 in civil penalties for violations. All penalties assessed by MDA revert to the General Fund of the state, not MDA.

Inspection Priorities

MDA gives consumer complaints priority over routine inspections. The vast majority of complaints are related to gas pump grievances. MDA investigated 641 consumer complaints in FY 2014.

Its next priorities are to inspect gasoline fuel meters to ensure that consumers get the amount of gas they pay for and to inspect scales at grocery stores to ensure that products sold by weight are weighed and charged appropriately. This includes making sure that items packaged onsite, such as meat and deli products, weigh what the package says they weigh. Gasoline and grocery stores generate the most violations and consumer complaints. (Next time you



Governor Larry Hogan issued a proclamation declaring March 1-7, 2015 Weights and Measures Week in Maryland. This commemorates the 216th anniversary of the signing of the first Weights & Measures Law by President John Adams on March 2, 1799.

Maryland's Weights & Measures Law went into effect June 1, 1951 -- more than 20 years before the Maryland Department of Agriculture was founded as a core unit of government. Prior to 1951, local governments, the City of Baltimore, and the now defunct State Department of Markets regulated weights and measures.

fill your gas tank, look for the sticker on the fuel pump. It will tell you the date MDA tested the pump.) Other establishments that use scales to assess a price – from Weight Watchers to pawn shops to airlines charging for overweight luggage – are also routinely tested throughout the year. Most devices are inspected every two to three years, although the Weights and Measures section will inspect more frequently if they receive consumer complaints or a company has egregious violations.

MDA also conducts random price verification inspections at a variety of retail stores to ensure that the price on the shelf is the price charged by the cash register scanner; however, this area has proven to be the least problematic of the areas inspected.

Violations

Short Weight Violations: When MDA finds a business short-changing customers because the package has less product in it than is being charged, it is called a “short weight” violation. During FY 2014, MDA levied civil penalties against 10



businesses, most for short weight violations at grocery stores. MDA Weights and Measures also conducted package testing inspections at 301 grocery stores to ensure the label on the package represented the actual weight. Of those inspections, 17.3 percent failed.

Price Verification Violations: If a cash register with a scanner or bar-code reader charges a price that is different than the price on the shelf or the price tag, it is a “price verification” violation. A minimum of 50 items are scanned per store, per inspection. Many more items are scanned at big stores. During FY 2014, MDA inspected 310 locations and lodged a 2.2 percent error rate, which includes items scanned at a lower price than the one posted. Only 13 locations around the state were assessed a civil penalties for misrepresenting unit prices.

Accuracy Violations: When MDA finds an inaccurate scale or pump, it is considered an “accuracy violation,” even if the device gave a consumer *more* than they paid for. Although no penalties are assessed for accuracy violations when consumers get more than they pay for, the device owner is still required to repair, replace or remove the inaccurate device.

Enforcement

When MDA finds a violation, it can:

- Take the measuring device out of service until the owner fixes it;
- Send a warning letter to the business and conduct a follow up inspection;
- Assess a civil penalty.



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Registering Devices and Service Personnel

Any person or business using a scale, gas pump or other weighing or measuring device for a commercial transaction (i.e., buying or selling) must, by law, register the device with MDA.

Service agencies and service technicians who service scales or meters may *voluntarily* register with MDA. Those who do register can be hired by owners of commercially used weighing and measuring devices and place into service any weighing and measuring device they install, service or repair. If a service technician is not registered, then MDA will have to inspect the device before it can be put into service. Consumers can find a list of registered personnel on the MDA’s website:
www.mda.maryland.gov/weights_measures/Pages/measurement_compliance_program_questions.aspx

How to File a Complaint

If you think you are paying for more than you’re getting, you can lodge a formal complaint with MDA by

1. Calling 410-841-2765
2. Emailing your complaint to: weights.measures@maryland.gov.
3. Download a **complaint form from our website** and mail or fax it in.

Complaints from consumers take priority over routine inspections.

Tips from Weights and Measures

For consumer tips for buying gas, firewood and propane, see:
http://mda.maryland.gov/weights_measures/Pages/weights_measures.aspx

For more information on Weights and Measures Program, see:
www.mda.maryland.gov